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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,869	11/21/2003	Cynthia Kae Florkey	LUC-439/Florkey 13-7-3	3057
32205	7590	05/23/2006	EXAMINER LE, DANH C	
CARMEN B. PATTI & ASSOCIATES, LLC ONE NORTH LASALLE STREET 44TH FLOOR CHICAGO, IL 60602			ART UNIT 2617	PAPER NUMBER

DATE MAILED: 05/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/719,869	FLORKEY ET AL.
	Examiner	Art Unit
	DANH C. LE	2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 10 March 2006.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-24 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-4 is/are rejected.

7) Claim(s) 5 is/are objected to.

8) Claim(s) 6-24 are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election of claims 1-5 in the reply filed on 03/10/06 is acknowledged.

The examiner assumes that the Applicant's election without traverse of claims 1-5 and cancelled non election claims 6-24.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 3/14/05 and 11/21/03 have been considered by the examiner and made of record in the application file.

### ***Claim Objections***

3. Claim 5 is objected to because of the following informalities:

On page 18 line 9 of the claim, after --to the first-- should change -- to the second --.

Appropriate correction is required.

### ***SET I***

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. **Claims 1-3 rejected under 35 U.S.C. 102(a) as being anticipated by Yoshihara (US 6,643,291).**

As to claim 1, Yoshihara teaches an apparatus (figures 1, 24-28 and their descriptions), comprising:

a gateway component that provides an identifier of a service provider to a sender of a message through employment of a user address associated with a recipient of the message.

As to claim 2, Yoshihara teaches the apparatus of claim 1, wherein the service provider is associated with the recipient of the message, wherein the gateway component determines the identifier of the service provider associated with the recipient of the message through employment of the user address associated with the recipient (figures 1, 24-28 and their descriptions).

As to claim 3, Yoshihara teaches the apparatus of claim 2, wherein the gateway component determines an indication of a text-delivery network associated with the service provider, wherein the gateway component provides the indication of the text-delivery network to the sender (figures 49, 50 and their descriptions).

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

#### **5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshihara in view of Lasenski (US 20050058260).**

As to claim 4, Yoshihara teaches the apparatus of claim 3, Yoshihara fails to teach the indication of the text-delivery network comprises a Universal Resource Locator

(URL) associated with the text-delivery network, wherein the gateway component provides the Universal Resource Locator to the sender to allow for an initiation of the message by the sender. Lasenski teaches a Universal Resource Locator (URL) associated with the text-delivery network, wherein the gateway component provides the Universal Resource Locator to the sender to allow for an initiation of the message by the sender (paragraph 0082). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Lasenski into the system of Yoshihara in order to identifies the location in server system of the message to be accessed.

***SET II***

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**6. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lasenski (US 20050058260).**

As to claim 1, Lasenski teaches an apparatus (figures 8-10 and their descriptions), comprising:

a gateway component that provides an identifier of a service provider to a sender of a message through employment of a user address associated with a recipient of the message.

As to claim 2, Lasenski teaches the apparatus of claim 1, wherein the service provider is associated with the recipient of the message, wherein the gateway component determines the identifier of the service provider associated with the recipient of the message through employment of the user address associated with the recipient (figures 8-10 and their descriptions).

As to claim 3, Lasenski teaches the apparatus of claim 2, wherein the gateway component determines an indication of a text-delivery network associated with the service provider, wherein the gateway component provides the indication of the text-delivery network to the sender (figures 11, 15 and their descriptions).

As to claim 4, Lasenski teaches the apparatus of claim 3, wherein the indication of the text-delivery network comprises a Universal Resource Locator (URL) associated with the text-delivery network, wherein the gateway component provides the Universal Resource Locator to the sender to allow for an initiation of the message by the sender (paragraph 0082).

#### ***Allowable Subject Matter***

Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claim 5, the teaching of above prior arts either alone or in combination fails to teach **further comprising** the indication of the text-delivery network comprises an indication of a first web portal associated with the text-delivery network, wherein the gateway component establishes a second web portal with the sender, wherein the web portal allows for an initiation of the message by the sender through employment of the second web portal and wherein the gateway component employs the indication of the first web portal to redirect the first web portal to the second web portal.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- A. Paakkonen (US 2004/0121818) teaches system and method for providing messaging service ringing images on mobile calls.
- B. Fenton et al (US 20030193967) teaches method, apparatus and system for processing multimedia messages.
- C. Winkler (US 2002/0137507) teaches system and method for providing automatic multimedia messages services.
- D. Necka et al (US 6,952,428) teaches system and method for specialized dynamic host configuration protocol proxy in a data-over-cable network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C. LE whose telephone number is 571-272-7868. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

danh

May 18, 2006  
DANH CONG LE

PRIMARY EXAMINER